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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,162	07/03/2003	Xuejun You	9896-000003	9181

27572 7590 04/20/2007  
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EXAMINER
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RUSSELL, WANDA Z

ART UNIT	PAPER NUMBER
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2609

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/613,162

Applicant(s)

YOU ET AL.

Examiner

Wanda Z. Russell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 02126617.4.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1 and 4** are rejected under 35 U.S.C. 102(b) as being anticipated by Calvignac et al. (U.S. Patent 4,763,321).

Regarding claim 1, Calvignac et al. teach a method (mechanism, Title) for dynamic allocation of slot bandwidth (Title) on an exchange (Abstract, line 2), comprising following steps:

(1) setting the number of slots (col. 1, last line) for dynamic bandwidth allocation being N, and setting bandwidth need to be dynamically allocated (col. 1, line 38-39) being B;

(2) defining a minimum allocated bandwidth (col. 19, line 39) unit being  $\Delta B$ , according to requirement;

(3) setting  $B/\Delta B$  pieces of N-selected-one devices, and input bandwidth of every N-selected-one device being  $N*\Delta B$  (col. 1, lines 62-68);

(4) connecting each slot with one input of each N-selected-one device, and connecting all output of the N-selected-one devices with a main exchange model (col. 2, lines 1-6);

(5) controlling the N-selected-one devices being gated to allocate the bandwidth to gated slot (col. 1, lines 62-68, and col. 2, lines 1-6).

Regarding claim 4, Calvignac et al. teach the method according to claim 1, wherein the N-selected-one device is a two-selected-one device (col. 4, line 42).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Calvignac et al. (U.S. Patent 4,763,321) as applied to claim 1 above, and further in view of Barr ("How Programmable Logic Works", by Michael Barr, 1999, by Miller Freeman, Inc.).

Calvignac et al. teach everything claimed as applied above (see claim 1). However, Calvignac et al. fail to specifically teach the method according to claim 1, wherein step 5 further comprising, controlling the N-selected-one devices being gated by a programmable logic chip.

Barr teaches the method according to claim 1, wherein step 5 further comprising, controlling the N-selected-one devices being gated by a programmable logic chip (P. 5, line 12).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine [Calvignac et al.] with [Barr] to obtain the

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invention as specified in claim 2 in order to provide more flexible architecture and to have small and simple logic blocks.

5. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Calvignac et al. (U.S. Patent 4,763,321) as applied to claim 1 above, and further in view of Altera's data sheet.

Calvignac et al. teach everything claimed as applied above (see claim 1). However, Calvignac et al. fail to specifically teach the method according to claim 1, wherein the programmable logic chip is an EPLD with type EPM7256AEQC208-10.

The Altera's data sheet teaches the programmable logic chip EPLD, type EPM7256AEQC208-10. Although the data sheet does not show the date, it is obvious that it was a commercial available product at the time the invention claimed in claim 3 was made.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine [Calvignac et al.] with [Altera's data sheet] to obtain the invention as specified in claim 3 in order to provide more flexible architecture and to have small and simple logic blocks.

6. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Calvignac et al. (U.S. Patent 4,763,321) as applied to claim 1 and 4 above, and further in view of Vitesse's data sheet (2000).

Calvignac et al. teach everything claimed as applied above (see claim 1 and 4). However, Calvignac et al. fail to specifically teach the method according to claim 4,

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wherein the N-selected-one device is a 1.25 GHz Ethernet signal driver with type VSC7132YB.

The Vitesse's data sheet teaches the 1.25 GHz Ethernet signal driver, type VSC7132YB.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine [Calvignac et al.] with [Vitesse's data sheet] to obtain the invention as specified in claim 5 in order to provide more flexible architecture and to have small and simple logic blocks.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wanda Z. Russell whose telephone number is (571) 270-1796. The examiner can normally be reached on Monday-Thursday 9:00-6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eliseo Ramos-Feliciano can be reached on (571) 272-7925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Lane Le*  
4-16-07  
LANA LE  
PRIMARY EXAMINER

WZR